

### **REMARKS**

Applicants would like to thank the Examiner for the substantive review in this case. In the Office Action, the Office rejected claims 1, 2, 4-15, 32, 33 and 35-45. More specifically:

- The Office rejected claims 1, 2, 4-11 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,104,443 (Paul) in view of U.S. Patent Application Publication No. 2003/0078879 (Ieshima);
- The Office rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Paul in view of Ieshima and Official Notice;
- The Office rejected claims 32, 33, 35-43 and 45 under 35 U.S.C. §103(a) as being unpatentable over Paul in view of Ieshima and U.S. Patent No. 5,870,723 (Pare); and
- The Office rejected claim 44 under 35 U.S.C. §103(a) as being unpatentable over Paul in view of Ieshima, Pare and Official Notice.

Upon entry of this Response, claims 1, 2, 4-15, 32, 33 and 35-45 will remain pending. For the reasons set forth hereinbelow, Applicants request that the rejections associated with the pending claims be withdrawn.

#### **Claims 1, 2 and 4-13**

Independent claim 1 is nonobvious over Paul in view of Ieshima because the cited references, whether considered alone or in combination, fail to teach or suggest each and every element of independent claim 1. *See* MPEP §2143 (stating that one of the elements of a *prima facie* case of obviousness under §103(a) is that the prior art references must teach or suggest all of the claim limitations). More particularly, the combination of Paul and Ieshima fails to disclose, among other things, “determining whether to apply a delay to processing the financial transaction, wherein said determining includes selecting an amount of a delay period to apply to the processing of the financial transaction,” as required by claim 1.

Paul discloses a method and system for executing electronic funds transactions using a merchant based debit card. *See* Paul at Abstract. The system operates over conventional card processing infrastructure and utilizes the Automated Clearing House (ACH) processing system to settle the transaction from a consumer checking account or a merchant account in the case of a prepaid card. *See id.* Paul requires the use of an electronic funds instrument, such as a merchant based debit card, to initiate performance of a financial transaction. *See id.* at 2:36-45; 6:1-37;

9:16-21; 16:19-40. Paul then teaches that the transaction is submitted to the ACH processing system, which systematically delays completion of the transaction for an irregular period of time. *See id.* at 4:41-56; 14:45-51; 16:33-34.

Ieshima discloses a claim management system capable of enabling a customer using a credit card settlement to determine a financial institution for settlement and a settlement method after the time of purchasing goods. *See* Ieshima at Abstract. Ieshima further discloses that the customer can select deferred determination of a settlement institution/means by transferring the claim to the claim management system. *See id.* at [0048]. When deferred determination of the settlement means is selected, a signal is sent to the claim management system via a credit card provider and the pledged credit is checked. *See id.* at [0049]. When the selection of a settlement institution and a settlement means is further deferred on the deadline, the management system receives interest over a period up to that deadline (from the time of purchase or the previous deadline). *See id.* at [0055]. Otherwise, a financial institution and a payment means are selected, and the claim is transferred from the management system to the financial institution. *See id.*

Neither Paul nor Ieshima teaches or suggests selecting an amount of a delay period to apply to the processing of the financial transaction. Paul merely submits transactions to the ACH processing system. Processing using the ACH system is subject to an irregular delay period (i.e., the float period) that is inherent to the ACH system. Rather than selecting an amount of a delay period to apply to the processing of the financial transaction, as required by claim 1, Paul merely teaches that all transactions processed through the ACH processing system involve an inherent, albeit variable, delay. As such, the ACH delay is variable, rather than selected, as required by claim 1.

Ieshima does not resolve the deficiencies of Paul. Similar to Paul, Ieshima neither teaches nor suggests selecting an amount of a delay period to apply to the processing of a financial transaction, as required by claim 1. In Ieshima, an amount of a delay period is not selected. Rather, a user selects whether to utilize a deferred payment system in order to obtain deferred determination of settlement. *See* Ieshima at [0038]. Instead of selecting a delay period, the user merely selects whether to defer settlement or to settle a transaction at a time determined by the system. *See id.* Ieshima merely teaches delaying processing for a fixed amount of time

and optionally delaying processing for additional fixed amounts of time. As such, Ieshima is similar to Paul in that the amount of the delay period is not selected. In contrast, claim 1 requires selecting an amount of a delay period to apply to the processing of a financial transaction.

Accordingly, independent claim 1 is nonobvious over the combination of Paul and Ieshima because the cited references fail to teach or suggest each and every limitation of claim 1. *See* MPEP §2143. Claims 2 and 4-13, which depend from and incorporate all of the limitations of claim 1, are also nonobvious over the cited references. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections associated with claims 1, 2 and 4-13 be withdrawn.

#### **Claims 14 and 15**

Independent claim 14 is nonobvious over Paul in view of Ieshima because the cited references, whether considered alone or in combination, fail to teach or suggest each and every element of independent claim 14. *See* MPEP §2143. More particularly, the combination of Paul and Ieshima fails to disclose, among other things, “determining whether to apply a delay to processing the financial transaction, wherein said determining includes selecting an amount of a delay period to apply to the processing of the financial transaction,” as required by claim 14.

For substantially the same reasons as set forth above in reference to claim 1, independent claim 14 is nonobvious over the combination of Paul and Ieshima because the cited references fail to teach or suggest each and every limitation of claim 14. *See* MPEP §2143. Claim 15, which depends from and incorporates all of the limitations of claim 14, is also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections associated with claims 14 and 15 be withdrawn.

#### **Claims 32, 33 and 35-45**

Independent claim 32 is nonobvious over Paul in view of Ieshima and Pare because the cited references, whether considered alone or in combination, fail to teach or suggest each and every element of independent claim 32. *See* MPEP §2143. More particularly, the combination

of Paul, Ieshima and Pare fails to disclose, among other things, “determining whether to apply a delay to processing the financial transaction, wherein said determining includes selecting an amount of a delay period to apply to the processing of the financial transaction,” as required by claim 32.

Paul discloses a method and system for executing electronic funds transactions using a merchant based debit card. *See* Paul at Abstract. The system operates over conventional card processing infrastructure and utilizes the Automated Clearing House (ACH) processing system to settle the transaction from a consumer checking account or a merchant account in the case of a prepaid card. *See id.* Paul requires the use of an electronic funds instrument, such as a merchant based debit card, to initiate performance of a financial transaction. *See id.* at 2:36-45; 6:1-37; 9:16-21; 16:19-40. Paul then teaches that the transaction is submitted to the ACH processing system, which systematically delays completion of the transaction for a period of time. *See id.* at 4:41-56; 14:45-51; 16:33-34.

Ieshima discloses a claim management system capable of enabling a customer using a credit card settlement to determine a financial institution for settlement and a settlement method after the time of purchasing goods. *See* Ieshima at Abstract. Ieshima further discloses that the customer can select deferred determination of settlement institution/means by transfer of the claim to the claim management system. *See id.* at [0048]. When deferred determination of the settlement means is selected, a signal is sent to the claim management system via a credit card provider and the pledged credit is checked. *See id.* at [0049]. When the selection of a settlement institution and a settlement means is further deferred on the deadline, the management system receives interest over a period up to that deadline (from the purchase time point or the previous deadline). *See id.* at [0055]. Otherwise, a financial institution and a payment means are selected, and the claim is transferred from the management system to the financial institution. *See id.*

Pare discloses a method and system for tokenless authorization of commercial transactions between a buyer and a seller using a computer system. *See* Pare at Abstract. Pare discloses that a transaction is proposed by a seller and a buyer signals acceptance by entering personal authentication information including a PIN and at least one biometric sample, forming a commercial transaction message. *See id.*

As stated above, neither Paul nor Ieshima teaches or suggests selecting an amount of a delay period to apply to the processing of the financial transaction. Paul merely submits transactions to the ACH processing system. Processing using the ACH system is subject to an irregular delay period (i.e., the float period) that is inherent to the ACH system. Rather than selecting an amount of a delay period to apply to the processing of the financial transaction, as required by claim 32, Paul merely teaches that all transactions processed through the ACH processing system involve an inherent, albeit variable, delay. As such, the ACH delay is variable, rather than selected, as required by claim 32.

Ieshima does not resolve the deficiencies of Paul. Similar to Paul, Ieshima neither teaches nor suggests selecting an amount of a delay period to apply to the processing of a financial transaction, as required by claim 32. In Ieshima, an amount of a delay period is not selected. Rather, a user selects whether to utilize a deferred payment system in order to obtain deferred determination of settlement. *See* Ieshima at [0038]. Instead of selecting a delay period, the user merely selects whether to defer settlement or to settle a transaction at a time determined by the system. *See id.* Ieshima merely teaches delaying processing for a fixed amount of time and optionally delaying processing for additional fixed amounts of time. As such, Ieshima is similar to Paul in that the amount of the delay period is not selected. In contrast, claim 32 requires selecting an amount of a delay period to apply to the processing of a financial transaction.

Pare does not resolve the deficiencies of Paul and Ieshima. Pare does not teach or suggest selecting an amount of a delay period to apply to the processing of the financial transaction, as required by claim 32. Pare does not discuss the selection of any delay period for any purpose.

Accordingly, independent claim 32 is nonobvious over the combination of Paul, Ieshima and Pare because the cited references fail to teach or suggest each and every limitation of claim 32. *See* MPEP §2143. Claims 33 and 35-45, which depend from and incorporate all of the limitations of claim 32, are also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the rejections associated with claims 32, 33 and 35-45 be withdrawn.

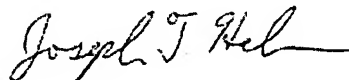
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Office reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,  
PEPPER HAMILTON LLP



---

Joseph T. Helmsen  
Reg. No. 54,163

Pepper Hamilton LLP  
One Mellon Center, 50<sup>th</sup> Floor  
500 Grant Street  
Pittsburgh, PA 15219  
Telephone: 412.454.5000  
Facsimile: 412.281.0717  
Date: June 6, 2009